# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/456,997 | 12/07/1999 | TSUNEHIRO TSUKADA | 35.C14095 | 7183 |

| | | | EXAMINER |
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| 5514 | 7590 | 07/14/2004 | NGUYEN, THU HA T |

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| ART UNIT | PAPER NUMBER |
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*14*

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/456,997 | Applicant(s) TSUKADA, TSUNEHIRO |
|---|---|---|
| | Examiner Thu Ha T. Nguyen | Art Unit 2155 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *19 April 2004* .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

## DETAILED ACTION

1.      Claims **1-10** are presented for examination.

### Claim Rejections - 35 USC § 112

2.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

3.      Claim 1 recites the limitation "the steps of" in line 4.  There is insufficient

antecedent basis for this limitation in the claim.  Likewise claim 4, line 5, claim 9, line 16,

and claim 10, line 8, recite the limitation "the steps of", also lack of antecedent basis.

4.      Claim 8 recites the limitation "said issuing means", line 10.  There is

insufficient antecedent basis for this limitation in the claim.

5.      Appropriate correction is required.

### Claim Rejections - 35 USC § 102

6.      The following is a quotation of the appropriate paragraphs of 35 U.S.C.

§ 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
((e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

7.      Claims 1-2, 5-6, and 9 are rejected under 35 U.S.C.  § 102(e) as being

anticipated by **Barrett et al.,** (hereinafter Barrett) U. S. Patent No. **5,908,467**.

8.     As to claim 1, **Barrett** teaches the invention substantially as claimed,

including a data processing method performed by a server for providing data to a

terminal via a network, the method comprising the steps of:

a reception step of receiving a request for data loading from the terminal

(abstract, col. 5, lines 4-10);

a completion discrimination step of discriminating whether a generation of

requested data has completed or is in progress of being generated (col. 5, lines 11-34,

col. 6, lines 19-25);

a first transmission step of transmitting to the terminal the requested data if the

generation thereof has completed (abstract, col. 5, lines 4-34, col. 6, lines 47-57);

a prediction step of predicting an end time of the generation of the requested

data if the generation thereof is in progress (abstract, col. 3, lines 60-col. 4, lines 4, col.

5, lines 35-67); and

a second transmission step of transmitting to the terminal during the generated of

the requested data the predicted end time together with display information indicating

that the data generation is in progress (abstract, col. 4,lines 5-12, col. 6, lines 1-67, col.

7, lines 44-65).


9.     As to claim 2, **Barrett** teaches the invention substantially as claimed,

wherein said prediction step predicts the end time based on the size of the data to be

generated (col. 5, lines 64-67).

10.    As to claim 5, **Barrett** teaches the invention substantially as claimed,

including a data processing apparatus for providing data to a terminal from a server via

a network, the apparatus comprising:

reception means for receiving a request for data loading from the terminal

(abstract, col. 5, lines 4-10);

completion discrimination means for discriminating whether a generation of

requested data has completed or is in progress of being generated (col. 5, lines 11-34,

col. 6, lines 19-25);

first transmission means for transmitting to the terminal the requested data if the

generation thereof has completed (abstract, col. 5, lines 4-34, col. 6, lines 47-57);

a prediction means for predicting an end time of the generation of the requested

data if the generation thereof is in progress (abstract, col. 3, lines 60-col. 4, lines 4, col.

5, lines 35-67); and

second transmission means for transmitting to the terminal during the generation

of the requested data the predicted end time together with display information indicating

that the data generation is in progress (abstract, col. 4,lines 5-12, col. 6, lines 1-67, col.

7, lines 44-65).


11.    As to claim 9, **Barrett** teaches the invention substantially as claimed,

including a computer readable storage medium storing a data processing program for

controlling a server computer to perform data processing for providing data from the

server to a terminal via a network, said program comprising codes for causing the

computer to perform the steps of:

a reception step of receiving a request for data loading from a terminal (abstract,

col. 5, lines 4-10);

a completion discrimination step of discriminating whether a generation of

requested data has completed or is in progress of being generated (col. 5, lines 11-34,

col. 6, lines 19-25);

a first transmission step of transmitting to the terminal the requested data if the

generation thereof has completed (abstract, col. 5, lines 4-34, col. 6, lines 47-57);

a prediction step of predicting an end time of the generation of the requested

data if the generation thereof is in progress (abstract, col. 3, lines 60-col. 4, lines 4, col.

5, lines 35-67); and

a second transmission step of transmitting to the terminal during the generation

of the requested data the predicted end time together with display information indicating

that the data generation is in progress (abstract, col. 4, lines 5-12, col. 6, lines 1-67, col.

7, lines 44-65).


12.     Claim 6 has similar limitations as claim 2; therefore, claim 6 is rejected

under the same rationale.

### Claim Rejections - 35 USC § 103

13.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.     Claims 4, 8, and 10 are rejected under 35 U.S.C. § 103 (a) as being

unpatentable over **Barrett et al.** (hereinafter Barrett) U.S. Patent No. **5,908,467**.

15.     As to claim 4, **Barrett** teaches the invention substantially as claimed,

including a data processing method performed by a terminal for receiving data from a

server via a network, the method comprising the steps of:

an issuing step of issuing a request for data loading to the server (abstract, col.

5, lines 4-10);

a reception step of receiving from the server in response to the request either the

requested data, or a predicted end time for generation of the requested data together

with display data indicating that the data generation is in progress (col. 5, lines 4-34, col.

6, lines 19-25);

a display step of displaying the requested data or displaying the display data

received from the server indicating that the data generation is in progress (abstract, col.

3, lines 60-col. 4, lines 4, col. 5, lines 35-67, col. 6, lines 1-57);

a data discriminating step of discriminating whether the received data is the

requested data or is the predicted end time for generation of the request data together

with the display data (col. 5, lines 11-34, col. 6, lines 19-25); and

a re-issuing step of, in a case where the received data comprises the predicted

end time for generation of the requested data, re-issuing the request for data loading to

the server when the predicted end time is reached (abstract, col. 6, lines 1-67, col. 9,

lines 8-24). It would have been obvious to one of ordinary skill in the Data Processing

art at the time of the invention was made that **Barrett** implicitly discloses a client

requests for a web page/data, an estimate of download time indicia is provided to client

along with user-selectable link so that the client know how long it takes to down load a

page and if client wishes to continue request a page then click/or select (i.e. re-issuing

request) a user-selectable link equivalent to a re-issuing step disclosed in the

applicant's specification. A person of ordinary skill in the art would have recognized that

**Barrett** performs the same function in substantially the same way to reach substantially

the same result.


16.     As to claim 8, **Barrett** teaches the invention substantially as claimed,

including a data processing apparatus for receiving data at a terminal from a server via

a network, the apparatus comprising:

issuing means for issuing a request for data loading to the server (abstract, col.

5, lines 4-10);

a reception means of receiving from the server in response to the request either

the requested data, or a predicted end time for generation of the requested data

together with display data indicating that the data generation is in progress of being

generated (col. 5, lines 4-34, col. 6, lines 19-25)

display means for displaying the requested data or the display data received from

the server indicating that the data generation is in progress (abstract, col. 3, lines 60-

col. 4, lines 4, col. 5, lines 35-67, col. 6, lines 1-57);

data discriminating means of discriminating whether the received data is the

requested data or is the predicted end time for generation of the request data together

with the display data (col. 5, lines 11-34, col. 6, lines 19-25); and

control means adapted to, in a case where the received data comprises the

predicted end time for generation of the requested data, control said issuing means as

to re-issue the request for data loading to the server when the predicted end time is

reached (abstract, col. 6, lines 1-67, col. 9, lines 8-24). It would have been obvious to

one of ordinary skill in the Data Processing art at the time of the invention was made

that **Barrett** implicitly discloses a client requests for a web page/data, an estimate of

download time indicia is provided to client along with user-selectable link so that the

client know how long it takes to down load a page and if client wishes to continue

request a page then click/or select (i.e. re-issuing request) a user-selectable link

equivalent to a re-issuing step disclosed in the applicant's specification. A person of

ordinary skill in the art would have recognized that **Barrett** performs the same function

in substantially the same way to reach substantially the same result.


17.    As to claim 10, **Barrett** teaches the invention substantially as claimed,

including a computer readable storage medium storing a data processing program for

controlling a computer to perform data processing for receiving data from a server via a

network, said program comprising codes for causing the computer to perform the steps

of:

an issuing step of issuing a request for data loading to the server (abstract, col.

5, lines 4-10);

a reception step of receiving from the server in response to the request either the

requested data, or a predicted end time for generation of the requested data together

with display data indicating that the data generation is in progress (col. 5, lines 4-34, col.

6, lines 19-25);

a display step of displaying the requested data or the display data received from

the server indicating that the data generation is in progress (abstract, col. 3, lines 60-

col. 4, lines 4, col. 5, lines 35-67, col. 6, lines 1-57);

data discriminating step of discriminating whether the received data is the

requested data or is the predicted end time for generation of the request data together

with the display data col. 5, lines 11-34, col. 6, lines 19-25 (); and

a re-issuing step of, in a case where the received data comprises the predicted

end time for generation of the requested data, re-issuing the request for the data

loading to the server when the predicted end time is reached (abstract, col. 6, lines 1-

67, col. 9, lines 8-24). It would have been obvious to one of ordinary skill in the Data

Processing art at the time of the invention was made that **Barrett** implicitly discloses a

client requests for a web page/data, an estimate of download time indicia is provided to

client along with user-selectable link so that the client know how long it takes to down

load a page and if client wishes to continue request a page then click/or select (i.e. re-

issuing request) a user-selectable link equivalent to a re-issuing step disclosed in the

applicant's specification. A person of ordinary skill in the art would have recognized that

**Barrett** performs the same function in substantially the same way to reach substantially

the same result.

18.     Claims 3 and 7 are rejected under 35 U.S.C. § 103 (a) as being

unpatentable over **Barrett et al.** (hereinafter Barrett) U.S. Patent No. **5,908,467**, in view

of **Sugiarto et al.** (hereinafter Sugiarto) U.S. Patent No. **6,278,449**.

19.     As to claim 3, **Barrett** does not explicitly teaches the invention

substantially as claimed, wherein said data are result of execution of a predetermined

process, and said prediction step predicts the end time based on the time required for

executing said predetermined process. However, **Sugiarto** teaches wherein said data

are result of execution of a predetermined process, and said prediction step predicts the

end time based on the time required for executing said predetermined process (figures

5-6). It would have been obvious to one of ordinary skill in the Data Processing art at

the time of the invention to combine the teachings of **Barrett and Sugiarto** to have the

step of predicting the end time based in the time required for executing the

predetermined process because it would have an efficient data processing system that

can provide the predicting downloading time prior transmitting data to terminal device.

20.    Claim 7 has similar limitations as claim3; therefore, claim 7 is rejected

under the same rationale.

## Conclusion

21.    The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure (see PTO-892 attached).  Applicants are requested to consider

these prior art references when responding to this office action.

22.    Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703)

305-7447.  The examiner can normally be reached Monday through Friday from 8:00

AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should

be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding

is assigned are 703-872-9306 for regular communications.


Thu Ha Nguyen

July 7, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER